

BPS-287  
July 27, 2006

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. **06-1254**

CHARLES STEPHON WILLIAMS

v.

SUPERINTENDENT EDWARD KLEM; ET AL.  
(WD/PA Civil No. 04-cv-00067-E)

Present: RENDELL, AMBRO and GREENBERG, Circuit Judges.

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellant's motion "for correction or modification of the record"; in the above-captioned case.

Respectfully,

Clerk

MMW/JJT/nf/ar1

**O R D E R**

The foregoing request for a certificate of appealability is denied because, for essentially the same reasons set forth by the District Court, Appellant has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The District Court held that the state courts' adjudication of Appellant's claims which were related to the validity of his guilty plea did not result in a decision that was "contrary to, or involved an unreasonable application of, clearly established Federal law..." nor was it based on "an unreasonable determination of the facts in light of the evidence presented in the State Court proceeding." See 28 U.S.C. § 2254(d)(1),(2); Williams v. Taylor, 529 U.S. 362, 412-13 (2000). Appellant has not shown that jurists of reason would find the District Court's decision debatable. See Miller-El v. Cockrell, 537 U.S. 322, 337-38 (2003). Additionally, as Appellant's factual allegations were either adequately developed in the state courts or would not entitle him to relief even if they were true, the District Court did not err in denying Appellant's motion for an evidentiary hearing. See Heiser v. Ryan, 951 F.3d 559, 561 (3d Cir. 1991);

Townsend v. Sain, 372 U.S. 293, 312-13 (1963). Appellant's motion for "correction or modification of the record" is denied, as the documents listed in Appellant's motion are available electronically and the record on appeal is, therefore, not incomplete.



By the Court,

/s/ Marjorie O. Rendell

Circuit Judge

Dated: August 15, 2006

*Marcia M. Waldron*  
Marcia M. Waldron, Clerk

ARL/cc: CSW; RMB